COURT OF APPEALS.

craspses of Deciseus Rendered at the Present Tyler Sitting of the Court of Appeals.

elslone Rendered in Some Long Conusted Cases-Finding in the A. A. Siesgall Casa from Cooke County.

enondence of the Gazette. TYLER, TEX., Nov. 9 -Ex parte Thom-Rosson-habeas corpus from Travis. This is a second application for a writ of aboas corpus by the relator. The reladon procured by fraud was absolutely garded as error. aggast 10, 1887, relator again sued out cause remanded. Willson, J.

r-Governor Ireland comes fairly within quash was well taken. Reversed and White, P. J. On an appeal of this character dismissed. White, P. J. ment is reversed and the relator or-

laines. Where evidence is admitted,

milock. This appellant signed said versed and remanded. Willson, J.

court and contesting the proceedings for matters. Time is generally not consid- 1887, but did not in fact come into the themselves slone in a matter where the ered as forming a part of the material possession of said officer until April 1, Fort Worth, Tex., principal really had no interest. An issue, so that one time may be alleged 1887, more than ten days after the rendiobjection is made to the judgment final and another proven. If the injury was tion of the judgment, after hearing which because same was rendered at a criminal inflicted it matters not on what par- the court dismissed the appeal. Held: because same was rendered at a criminal inflicted it matters not on what parand not a civil term of the County court. Held: This is the ordinary general rule, the same was inflicted. The remarks of the same was inflicted. but to it the County court of Titus county counsel for appellee having been pro- from the Justice's court, that is, a reappears to have been made an exception voked by previous remarks of counsel cord showing when said appeal under the law restoring and defining its for appellant, the appellant cannot be bond was filed. This motion was overjurisdiction. [General Laws 18th Lag. p. 91 ] We find no error in this record Affirmed. Willson, J. should be had and it is therefore affirmed. Railway Company vs. Henderson E !- | ted with the justice in time, and the just-

from Robertson county. Appellant was covered damages for injuries done to Meigh Owen vs. the State; appeal from in the court below, his counsel interposed sustained by his wife, which injuries victed in the court below for obstructing in the court below, his counselinterposed sustained by his wife, which in the court below for obstructing on being confined in the penitentiary un- in his behalf the defense of insanity x st- were received at the same time and by a public road. The evidence showed that tot being sentences, applied for and re- ing at the time of the commission of the the same cause. In the court below ap- the road in question was not located on was not located on the from John Ireland, the Governor homicide. In this court counsel for de-pellant interposed a plea of resadjudicata the line designated by the commissioners' the State of Texas, under date of Au- lendant makes two objections to the in bar of this suit, based upon the judg- court. The route designated by that Connellsville, Pa., and Tennessee will do doubte state of the court below. First because of the court below. First because of the court below. of the Name of the Court below. First, b cause ment recovered in the other suit by ap-This proclamation of par- after the court in one paragraph of the pellee. In his charge to the jury the but along its boundary line. In locating every offense. This proclamation of par- after the court in one paragraph of the pense. In his charge to the jury to find the road it was placed upon defendant's dor was handed to and accepted by the charge had instructed the jury that every court in effect charged the jury to find the road it was placed upon defendant's land, which was then uninclosed prairies. dor was named to the road it was placed upon defendant's against said plea. This is land, which was then uninclosed prairies.

The Defendant's attorneys after being information to the father of relator. Shown to the satisfaction of the land, which was then uninclosed prairies. who on august 1 the Delendant's attorneys after being informover the pardon to the father of relator. Shown to the satisfaction of the jury, charge was a correct exposition of the ed of these facts advised him that he the pardon to the latter of relator. Shown to the satisfaction of the july, the following day—August 30—he sgain instructed them in a subsequent law. We are of the opinion that appellee had a right to enclose his land and he for foundry and mill purposes; grade, extra had his election to bring separate suits. the long was had his election to bring separate suits, acted upon this advice. Held: The con- strict; quality unexcelled. presented officials and demanded the upon the defendant to establish or to bring but one suit. If the court in viction is wreng. First, because the road shipments of all above articles direct from the court omitted which these cases were tried had juris- located over defendants land was placed mines and furnaces at mine prices to any railrelease of the pardon, giving as a reation of the jury that if they should diction of the aggregate amount, they there without authority of law and was placed to the receipt of a telegreen scoult the defendent on the ground of the aggregate amount, they there without authority of law and was and relative the receipt of a telegram acquit the defendant on the ground of in- might have properly been consolidated. not a public road. Second, conceding tom the Gavernor ordering said action. sanity they should so state in their verfrom the Gover- dict. Held: The position of the charge other questions in this case have been de- shows that defendant obstructed it, be-The phresh discreed thereon the following: to which the first objection is urged is a cided in the case above. Affirmed. Will- lieving he had a legal right to do so, and of the law. We do son, J. been issued on misinformation." On not think the second objection a subheen leaded to the stantial one. While it would be proper Jackson—by his rext friend—appeal from Clem Wells vs. the State; appeal from Reversed and remainded. Willson, J. March with of habeas corpus, upon a hear- to give such a charge, still a failure to do Bowie. Tais case rests substantially Rockwall. Appellant was convicted in ing of which he was remanded to custo- so where it does not appear that the upon the same grounds of Appellant vs. County court in Rockwall county, on the ing of which he appealed to this court. right of the defendant were probably in- Edwards decided above. Appellant con- 8th day of March, 1887, for a violation of which was held that a par- jured by such ommission shall not be re- tends that appelles being a minor with- "the local option isw," supposed to have

vold, End the state of Arkansas, could not O2 the 13th day of April this court in the tablished against himself prima facie the tablished by the evidence, and that the sue and recover by his next friend. Held: case of exparts sublette declared the local monspen against the pardon by fraud, and verdict of the jury is contrary to the It is well settled that a minor without a option law as adopted in said county abproving the onus of proving no fraud, evidence and the trial judge erred in not guardian in this state can sue by his next solutely void for a failure of compliance that failing to do this setting aside the verdict upon motion of friend, and the fact that he had a guar- in its adoption with the mandatory procourt did not err in re- defendant's counsel, and because of this dfan in another state would not deprive visious of the local-option statutes. [23] manding him to the penitentiary error the judgment is reversed and the him of this right. Affirmed. Willson, J. Ct. App 309.] It is further made to ap-

august 10, 1887, relator again steed out the record that Bob White vs. the State; appeal from Red River. "In order to convict the citizens of said county at an election that the defendant of the crime charged in the held Jane 4, 1887, to determine the quest of the defendant of the crime charged in the held Jane 4, 1887, to determine the quest of the defendant of the crime charged in the held Jane 4, 1887, to determine the quest of the defendant of the crime charged in the held Jane 4, 1887, to determine the quest of the defendant of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the held Jane 4, 1887, to determine the quest of the crime charged in the crime charged in the crime charged in the held Jane 4, 1887, to determine the crim from that judgment this appeal is pros- coal. The complaint alleged that the coal bill of indictment, you must be satisfied tion anew, defeated local option in said from that property of the Mo. P. Rway beyond a reasonable doubt that he not county. It is a well settled rule that the soing facts, and fraud and misrepresenta- Company," and that it was taken only did appropriate of J. R. Johnson as repeal of the local-option law by the pretion and expressly denied; and it is "from the possession of -- Temple, who alleged in the bill of indictment, but that scribed mode pending an appeal from a and the said the intent of the defendant to deprive conviction for its violation while in force he then Governor-Ireland-issued to Mo. P. Ry Company, or either the owner of the value thereof (if you annuls the conviction. The judgment lator snother pardon, which was in- of them, and with the intent to de- should flad that such intent existed) ex- is therefore reversed and the prosecution needed to take the place of the former prive the said Mo. P. Ry Com- isted at or before the taking; and in this dismissed. White, P J. pardon, but by a cierical omission only pany of the value of the same," etc. A connection I further charge you that if Clem Wells vs. the State; appeal from pardon, but by a clerical omission only pany of the value of the same, con you should find from the evidence that Rockwall county. This is a companion one of the offenses was covered by said motion was made in the court below to you should find from the evidence that Rockwall county. This is a companion of the case of Wells ardon. It was also alleged that on the quash the complaint because: 1. There the cattle alleged to have been stolen fol- case to the case of Wells question of is a fatal variance between the compaint lowed defendant and got into his herd, vs. and was only raised in the Court of Ap and information as to the name of the and that afterwards he formed the idea of The when it was heard in the owner. 2. That neither the complaint fraudulently appropriating the same to are same as in that, and the principles 707 to 711 MAIN STREET. vernor Ireland was ab. nor information sufficiently describes the his own use and benefit, he could not be governing that case are decisive of this. that account owner, and that the letters used are not convicted of theft." This charge was Reversed and dismissed. White, P. J. procured to sufficient to describe the Missouri Pac fic asked by defendant and refused by the J. T. Smith vs. the State; appeal from and stove wood. And Teleph ne orders. tion of fraud had the Railway Company, as seems to have been court, and said refusal is assigned as er- Marion county. This appeal is from a To the petition intended; and 3. That is did not allege roc. Held: The assignment of error is conviction for keeping a disorderly house. of ex-Gov- that said rathway is duly incorporated. well taker. There was no similar in- The indictment alleges the offense to have which he affirms that the Held: That as to the complaint we think struction embraced in the charge. The been committed on or about the 15th day on the pardon was its allegations are inconsistent and re- felonious intent is the essential ingredi- of December, 1880, and was returned into made in consequence of misrepresenta- pugnant in themselves. In one place it ent of the crime, and to constitute court by the grand jury and filed on the which were promised is alleged that the property belonged toeft the taking of the property 1st day of January, 1886. All misdeiated by proof, but that the to the "Mo. P. Rway;" in an- must in the first instance have been fraud- meanors under our statute are permitted other that it was the property of the | u.e.t. and if the possession be attained to be presented by information or indict-"Mo. P. Ry." The former appel- lawfully, no subsequent appropriation, ment within two years after the commisalso substantiates the lation is used in the complaint, the however fraudulent the intent will suffice sion of the offense and not afterto the second pardon. latter in the information. Held: Fatelly to constitute the taking theft, unless ward. [C. C. P., art. 200] Because the defective. Further held: That it was such lawful possession was obtained by prosecution was barred by the statute of d that the statute conferred necessary to allege that said railway means of a false pretext or with the frau- limitation when the indictment was og a second writ of company was duly incorporated. We are dulent intent at the very time of the tak- presented the judgment is reversed and us where important testimony of opinion that such allegation is requis- ing, to deprive the owner of the value of the prosecution dismissed. White, P. J. R. B. GODLEY. is shed, which, though not lite, and to say the least of it is beyond the property, and to appropriate the same | St. Louis, Ackansas and Texas Railway

whether the Rines. This is a companion case to that appeal from Upshur. Suit for damages, ward from Texarkana. He saw a train newly discovered, but of Boo White, above. Appellant was conversion of wood by appellant company coming towards him about 300 yards nce as we flad it adduced tried upon identically the same complaint and the value of six nogs killed by said away, and stepped off the track on to the and presented in the and information. For the reasons dis- appellant company. Judgment for appell- right of way about twelve or fourteen taint of fraud is removed cussed and decided in the White case, lee for \$193 25. It was shown that four feet from the track. When within about clamation of pardon by ex. the judgment in this case is reversed and of the six nogs, valued at \$16.50 were twenty-five feet of him the engine began vernor Ireland in his ath lavit. The the prosecution dismissed. White, P. J killed within the "switch limit" over which to squirt out hot water horizontally, and

done by stock to his crop and land by of said hogs killed within the "switch necessary at certain times to use the inreason of appellant having left down the limits." Held: If these hogs were jector of the engine, the use of which hough alleged, and it is apparent that ap- fence in constructing its road through killed at a public road crossing and with- would cause a stream of hot water and pelist could not possibly have been prej appellee's farm. Appellant offered in evi- in switch limits, then the defendant com- steam to be thrown from the engine off dence a written release executed by ap- pany would not be liable, unless it was to one side of the track, a distance of etse the jadgment. The evidence is suf- peilee on April 23, 1887, reciting in sun- shown that the injury was caused by neg- about fifteen feet; that on the occasion in clent to support the conviction and there stance that in consideration of \$75 paid ligence. The judgment for the value of question it was necessary to use the inno reversible error. Affi med. White, appelled by appellant, the former released the hogs so killed was erroneous. For jector and that he used it in the discharge A. Steagall vs. the State; appeal cattle-guards on its right of way where and is here rendered in favor of Ander- intention of lajuring appellee and without from Cooke. We have carefully ex. said right of way was located on appel- son against the railroad company for seeing or knowing that appellee was in a amined the record in this case with ref- lee's land, and agreeing not to hold ap \$181.75. Reversed and rendered for ap- position to be injured thereby. Held: Tence to errors assigned and unassigned, pellant liable for any damage that might pelice. White, P. J. but one requiring discussion. accrue from such release and exemption, John Buchanan vs. the State; appeal evidence. The evidence fairly shows pun the trial the State propounded this and agreeing to build a good and lawful from Kaufman. It has been held by this contributory negligence on the estion to Dr. Ferris: "What is your fence along appellant's right of way in court that an indictment alleging neither part of alon from the examination you made front of appellee's farm. Upon objection daytime or nighttime, will support a the train the body of the infant as to how the this release was not permitted to be read conviction for burglary, either in the day- it es you saw (to-wit: the arm broken, in evidence, and this ruling is assigned as time or nighttime, if the proof shows that and had ample time to got out of danger. broken and the skull crushed) error. Held: It is shown that the dam- the force used in the perpetration of the The judgment is therefore reversed and This question was ob- ages sued for by appellee accrued burglary was applied to the building. the cause remanded. Willson, J. cted to by appellant on the ground that prior to the execution of said release. Farther held: It was unnecessary to J. B. Lewis et al. vs. John P. Richardcalled for the opinion of the witness as Such being the case, the release was prove that the house was entered with- son; appeal from Hopkins county. Apan individual and not as an expert; was properly excluded. It is apparent from out the consent of the owner or occupant pellee recovered in Justice's court the speculation on the part of the language of the release that its operag thereof, or any person authorized to give following judgment: The court is of the and was matter tion was intended by the parties to be in such consent. It was not error in the opinion that the law and facts are for the

ction was overruled and the witness Railway Company vs. Berryhill; appeal not in the possession of Shrader, the do have and recover from J. B. Lewis, H answered: "I am of opinion the only from Bowie. Appellee purchased a owner, but in the possession of Peed they Slaky, Alex Yesner, T. S. Rogers and way it could have been done, or the only ticket from Texarkana to Clear Lake and would acquit, because it is shown that John S Coffey the sum of \$100, etc. The way I can imagine is that the party put return. Clear Lake was a flag station on | Peed was in only temporary possession, appeal bond describes the judgment as the infant on its face and placed his boot- sppellant's line of railway, where trains Shrader having gone fishing at the time against J. B. Lewis as principal, ingtonian who has just opened a law on the back of the head, and caught stopped only when signalled to do so. The of the burglary. No error. Affi.med. and the other parties naming office here in spite of the fact that he is old of the right arm and pulled it, and petition alleged that appellee flagged or Willson, J. stamped on the head, crushing the skull signalled the train, and that those in Dave McCleveland vs. the State; ap-motion was made to dismiss the appeal, monly bright fellow, and handsome, and breaking the neck and arm." Wit- charge of the train saw the signal and re- peal from Smith. Conviction for assault because the bond misdescribed the judgto rape. Verdict of gullty and sentence ment. The court sustained the motion too, with every possible qualines. The court sustained the motion tion for success in his profession except individual and not as an expert, and forced to walk back to Texarkana, a disthat the it jury might have occurred in shows that app lies was carried to Clear should have been sustained on the ground. Lake for the purpose of hunting, and that, to return he received to Clear substance as follows: The affiliavit of independ is therefore reversed and the law to give him a working knowent, however, as it desiring to return, he repaired to Clear substance as follows: The affiliavit of judgment is therefore reversed and the clearly was, did this opinion of the lake to take passage on said train.

Witness operate to the it jury of appellance and when they saw the train coming they deliction that is that the child was born alive and came to its death by violence—

Incompetent, however, as it desiring to return, he repaired to Clear the repaired to Clear the repaired to Clear the father of the prosecutrix, to the effect that he was mistaken in the date of the offense; that he swore on the trial that the said offense was committed on the second Sunday in July, 1887, but that he was mistaken, and now swore that it the said offense was committed on the second Sunday in July, 1887, but that he was mistaken, and now swore that it the said offense was committed on the second Sunday in July, 1887, but that he was mistaken, and now swore that it has the first Sunday in July, 1887. There was another person with a policy of the Dress of the offense; that he said offense was committed on the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. They say I'm dead, do the second Sunday in July, 1887. three or four other physicians and by the evidence of abundant other testimony. Conceding that the opinion of Dr. Ferris tended to prove the corpus delicti, since there could not be corpus delicticated by Berry Wall's new style of were used, and the train did not stop.

The engineer in charge of the train testiwas the first Sunday in July, 1887. There superseded by Berry Wall's new style of were used, and the train did not stop.

The engineer in charge of the train testiwas the first Sunday in July, 1887. There superseded by Berry Wall's new style of were used, and the train did not stop.

Was the first Sunday in July, 1887. There superseded by Berry Wall's new style of were used, and the train did not stop.

Was the first Sunday in July, 1887. There superseded by Berry Wall's new style of were used, and the train did not stop.

Was the first Sunday in July, 1887. There superseded by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by Berry Wall's new style of the could not be compacted by the opinion could not have injured appeliant's rights. That the appellant was perial and that he saw none, and saw
to decree his death, but chose the more
to same the opinion that the court tailor sain was retaining the latest lashion
no persons there; that the only way to
find in refusing to grant a new trial.

Reversed and remanded. Hurt, J.

W. J. Clark vs. the State; appeal from
heard that every year till I've got weary.
Just see the dude sit down on the operation of the death of the court of the co The Purishment. Affirmed. Hurt, J. cause of action but failed to prove it. not error to admit as evidence season; just watch me fix the end of my may be blind, but can her servants be? Thomas Hutchings vs. the State; appeal Appellee testified himself that they did what the prosecutor paid for the tails between the cushions and the arms from Titus county. John McCullock was not fing the train in the usual way. Those coat in another county. It was not error of the soft chair when he takes his best strickled for theft, a misdemeanor, and he in charge of the train were under no obtracuted an appearance bond which he ligation to step unless they were notified without retiring to the jury room. It is he rises suddenly between the acts; just

bond as surety. McCullock falling to appear at court, the bond was forfested and the surety. Scire facias issued to the surety. Scire facias issued to the writ for surety. Objection having been made to the writ for surety. Objection having been made to the writ for surety. Scire facias issued to the writ for surety. Objection having been made to the surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writ for surety of commerce so many dollars as the writer to their room again. There is no error in the charge of the court and the evidence lot more fun before me yet."

St. L. ouis, Iron Mountain and Southern their room again. There is no error in the charge of the court and the evidence lot more fun before me yet."

George N. Cross of Norwich, Conn., has what he calls a bearded pebble. It this one has. From beneath its to the writ for a variance between it and vants of appellant company in starting a Turner; appeal from Bowie county. This came from Crown Ledge, near Nantucket, the bond, as to the name of the principal passenger train without warning, and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on obligation that the name of the principal passenger train without warning, and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on obligation that the name of the principal passenger train without warning, and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on obligation that the name of the principal passenger train without warning, and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on obligation that the name of the principal passenger train without warning and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on the principal passenger train without warning and with suit was instituted in Justice's court, and is about as large as a hen's egg, and on the principal passenger train without warning and with the principal passenger train without warning and the passenger train without warning and the principal passenger train without warning and the passenger tra of the same was amended on motion a jerk, before appellee had time to board on March 21, 1887, judgment was renderits smooth surface is a mass of filaments as much. Handreds of other string north as march 21, 1887, judgment was renderits smooth surface is a mass of filaments as much. Handreds of other that resemble nothing so much as hair. setting up the fact that John and W. J. McCullock were one and the same party. Should sake to the principal, McCullock, as well same to the principal, McCullock, beld: There was no error in permitting the wait of the wait

Green Massengale vs. the State; appeal | decided above appellee sued for and re- the contrary. Affirmed. Willson, J.

out a guardian in the state, it being been adopted at an election held in that old, and that having relied upon the par- But in the case before us we think the shown that he had a mother and a step- county on the 6th day of January, 1887.

ppeal of this character dismissed. White, P. J.

St. Louis, Iron Mountain and Southern The testimony showed that appellee was and self-city property, wild laads, ranches, etc.

Jess Martin vs. the State; appeal from Railway Company vs. I. N. Anderson; walking slong appellant's track gouth-St. Louis, Arkansas and Texas Railway ran a public road, at a public place. as it passed him a stream of hot water vs. John M. Harris; appeal from Hopkins. Also that plaintiff failed to show that de- and steam struck him and caused the inthe first state of the complete recovered judgment against ap- fendant did not use ordinary care in juries complained of. The engineer ties. Office over First National Bank, fleaton pellant for \$96.50, damages for injury moving its cars at the time of the killing restified that in running an engine it was atreet and exempted the latter from building this error the judgment will be reversed, of his duty as engineer, and without any

about which the jury were as future. No error. Affirmed. Willson, J court to refuse the special charge to the plaintiff; it is therefore ordered, adjudged ompetent to judge as the witness. The St. Louis, Iron Mountain and Southern effect that if they found the house was and considered by the court that plaintiff

signed W. J. McCollock, instead of John that some person desired it to stop. Re- only when the jary refuse to have their near his remark thereon, and tell me verdict corrected that they must retire to next spring whether I've been dead all

heisted the court erred in per
petition. Held: It is a familiar rule of appellee was permitted over objection of length.

the amendment of the writ with
lee to the principal in the bond. material matters must correspond. This bond was not filed by the justice of the Subs

Held: Not error. The sureties were in rule, however, is restricted to material peace as it purported to be on March 31,

heard to complain; no reversible error. Inled. Held: Not error. It was a fact placed by the evidence beyond controfor which a reversal of the judgment St. Louis, Iron Mountain and Southern versy, that the bond had not been deposi- The Frisco Coal, a superior steam and domester wards; appeal from Bowie. In the case | tice's record could not truthfully show to

convicted for the murder of John Mitchell hims If. In this suit he sues for damages Navarro county. Defendant was con-

Martin Guest vs. the State; appeal pear in the transcript of the record that

which though known doubt the better practice. This court to the b neft and use of the taker. [20 Company vs. James S. Sharp; appeal his power to produce cannot say what the "Mo. P. C. A. 151-17 C A. 34-19 C. A. 401-14 from Bowie county. Appeliee recovered hearing. The testimony of Rway Company" is. The motion to C. A. 668 ] R versed and remanded. judgment against appellant for \$150 damages for alleged personal injuries. The judgment is not supported by the

> coming, saw that ejecting water.

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coal, similar to the McAllister coal. The Celebrated Alabama Splint Coal, unexcelled for domesic use, especially adapted for grates and allege of the company of the coal of the grates-n slack or dust. The Genuine Piedmont Blacksmith Coal, unsur passed for blacksmith ourpoace. Standard Brands Anthracite Coef, in all sizes, for baseburners and grates.

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Panhandle, the Federal, Supreme, and Appe

ate courts of the state.

JAMES W. SWAYNE. ATTORNEY AT LAW. Office over First National bank, Fort Worth

> What a Blind Man May Do. Washington Correspondence.

I heard to-day of a brave young Washthem as sureties. In the County court a totally blind. He is an uncomedge. He went through all the books usually read by law students, his mother havieg read them to him one by one. I have watched his career with confident expectation that he will make his mark,

> The Birthplace of Bonanzas, Reno (Nev.) Gazette.

The site of the old Consolidated Virginia mill is to be used henceforth as a dump this one has. From benea h its stamps Mackay picked up, it is said,

There are 181 medical colleges in the United States, with an aggregate attendance of 15,000 students.

# ALL ABOUT MILLIONAIRES.

A SERIES OF ARTICLES

## FORT WORTH GAZETTE This is an exhaustive series of gossipy, anecdo'al letters concerning the rich men of the

United States, about whom the writer has been collecting material for years. The articles will be full of new stories and original unpublished matter. They will be personal, and a score or more of rich men will be treated of in a new way in e. ch letter. Mr Carpenter is widely known as a correspondent of unusual ability, and an invariably brigh and entertaining writer. His contributions during the past year to Lippincott's and The Cosmopolitan have proved popular features of those magizines. This series of articles is of remarkable interest. It contains curious facts, personal anecdotes, and illustrative incidents about all the rich men of America. Mr. Carpenter's collection

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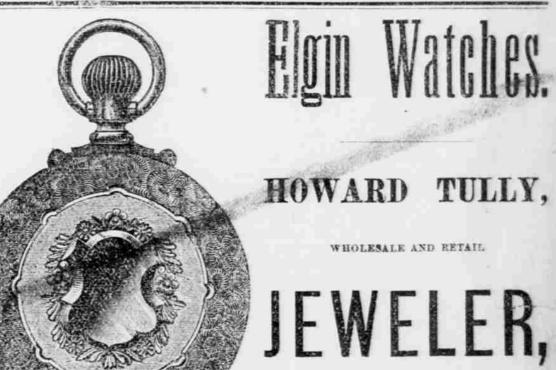
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